

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
MARK ORLANDO,

Plaintiff,

v.

DR. GAETAN ZAMILUS,

Defendant.
-----XUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
12/27/23
ORDER

22 CV 6161 (VB)

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

The Court is in receipt of a letter from defense counsel dated December 27, 2023,¹ stating defendant served initial disclosures and a first set of interrogatories on plaintiff at his prior address at Marcy Correctional Facility. (Doc. #45).

Plaintiff previously filed a letter indicating he had been transferred from Marcy Correctional Facility to Mohawk Correctional Facility. (See Doc. #42). Although dated November 25, 2023, plaintiff's change-of-address letter was not docketed until December 6, 2023. This means plaintiff's new address may not have been available to defense counsel until after the December 5 deadline for serving such materials on plaintiff.

Defense counsel states in her letter that she "will be more mindful of" the discovery deadlines in this case and the time it may take for mail to plaintiff be processed. (Doc. #45). Moreover, defense counsel states she scheduled a telephone conference with plaintiff for January 2, 2024, to review discovery issues.

For these reasons, it is clear defendant is participating in this lawsuit and making a good faith effort to comply with the discovery deadlines set forth in the Civil Case Discovery Plan and Scheduling Order.

Accordingly, plaintiff's request for a default judgment against defendant (Doc. #43) is DENIED. Defense counsel is directed to re-mail a copy of Defendant's Initial Disclosures and First Set of Interrogatories to plaintiff at his new address.

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: December 27, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge

¹ Although the letter is actually dated December 27, 2022, it was filed on December 27, 2023, and states it is written in response to the Court's December 27, 2023, Order. Accordingly, the Court assumes the 2022 date is a typo.